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Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

ILIO'ULAOKALANI COALITION,) CIVIL NO.04-00502 DAE BMK
a Hawaii, nonprofit corporation;)
NA'IMI PONO, a Hawaii) DECLARATION OF
unincorporated association; and) BARRY A. WEINER IN SUPPORT
KIPUKA, a Hawaii unincorporated) OF DEFENDANTS' OPPOSITION
association,) TO PLAINTIFFS' APPEAL OF
) THE MAGISTRATE JUDGE'S
) MARCH 23, 2007 ORDER;
Plaintiffs,) EXHIBITS 1-6
)
v.)
)
ROBERT M. GATES, Secretary of)
United States Department of)
Defense; and PETER M. GEREN,)
Acting Secretary of the United)
States Department of the Army,)
)
Defendants.)

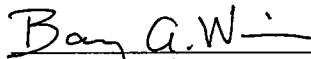
I, BARRY A. WEINER, declare under penalty of perjury that:

1. I am a trial attorney with the U.S. Department of Justice, Environment & Natural Resources Division, serve as co-counsel for the Federal Defendants in this matter with James Gette and Harry Yee, an Assistant U.S. Attorney for the District of Hawaii.
2. I make this declaration in support of the Defendants' Opposition to Plaintiffs' Appeal of the Magistrate Judge's March 23, 2007 Order. This declaration is based on my personal knowledge, and I am competent to testify about the matters contained herein.
3. Attached hereto as Exhibit 1 is a true and accurate copy of Defendants' March 20, 2007 Letter Brief to Magistrate Judge Kurren with exhibits.
4. Attached hereto as Exhibit 2 is a true and accurate copy of correspondence from James Gette to David Henkin dated March 27, 2007.
5. Attached hereto as Exhibit 3 is a true and accurate copy of a Notice of Deposition, Interrogatories and Document Request served by Plaintiffs in this matter on April 6, 2007.
6. Attached hereto as Exhibit 4 are true and accurate copies of excerpts from the transcript of the November 20, 2006 hearing in this matter.

7. Attached hereto as Exhibit 5 are true and accurate copies of excerpts from the transcript of the December 18, 2006 hearing in this matter.
8. Attached hereto as Exhibit 6 is a true and accurate of the Defendants' First Periodic Progress Report dated March 30, 2007.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed this 13th day of April, 2007,



Barry Weiner